

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.999 OF 2007

M/s. ISI Bars Ltd. ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.Vikram Nankani i/b. Madhur R. Baya for petitioner.

Mr.B.A.Desai, Addl. Solicitor General with L.S.Shetty,
R.C.Master and G.P.Mishra for respondents.

CORAM : F.I. REBELLO J.
R.V.MORE, J.

DATED : 5TH JULY, 2007.

P.C. :-

Rule.

2. Heard both the parties. The petition is disposed of in terms of following directions.

(i) The petitioner shall provide all relevant documents in respect of the advance licences, which are the subject matter of the present petition. Wherever the original documents are not available, the petitioner shall provide photo copies of the same, save and except that the bank realization certificate from the Chartered Accountant certifying the details of the exports by the petitioner.

(ii) It will be open to respondent if the bank realisation certificate is not available or produced by the petitioner to write to the respective bank for copies of the said documents in which events the banks to make available such documents if in the possession. The petitioners to furnish to the respondents the names of the banks with the addresses and the account numbers with the remittance of the receipts.

(iii) The respondent shall reconstruct the files based on the records available with the respondent and the documents provided by the petitioner. After reconstruction of the files, the respondent shall complete the logging and audit of the advance licences and return the same to the petitioner for filing the same with the licensing authorities.

(iv) Upon submission of the documents, the Licensing Authority shall verify the same and issue redemption certificates in accordance with law.

(v) Until the completion of verifying the documents by the licensing authority, all the default notice issued against the petitioner are stayed and the licensing authority to consider the export benefits

etc., as applicable to the petitioner on merits in accordance with law.

6. The respondent to also dispose of the petitioner's pending application for refund according to law. Rule made absolute accordingly.

(F.I. REBELLO J.)

(R.V.MORE, J.)